

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

STEPHEN BAIN)
)
v.) NO. 3:08-0656
) JUDGE CAMPBELL
TRANSCOR AMERICA, LLC.¹, et al)

ORDER

Pending before the Court are a Report and Recommendation of the Magistrate Judge (Docket No. 50) and Objections filed by the Plaintiff (Docket No. 52).

The Court has reviewed the Report and Recommendation, the Objections, and the file. The Objections of the Plaintiff are overruled, and the Report and Recommendation is adopted and approved.

Accordingly, the Motion to Dismiss of Defendant Prison Health Services, Inc. (Docket No. 49) is DENIED.

The Motion to Dismiss of Defendants Transcor America, LLC (“Transcor”) and Corrections Corporation of America (“CCA”) is GRANTED in part and DENIED in part as follows:

Defendant CCA’s Motion to Dismiss is GRANTED, and all claims against Defendant CCA are DISMISSED.

Defendant Transcor’s Motion to Dismiss Plaintiff’s ADA claim, Sections 1985 and 1986 claims, and First Amendment retaliation claim is GRANTED, and those claims are DISMISSED.

¹ As noted by the Magistrate Judge (Docket No. 50, n. 3), the Complaint incorrectly identifies Defendant Transcor America, LLC as “Transportation Corporation of America.” The Clerk is directed to correct the Defendant’s name on the Court docket.

Defendant Transcor's Motion to Dismiss Plaintiff's Eighth Amendment claim and state law claims is DENIED.

This action is referred to the Magistrate Judge for entry of a scheduling order, including a target trial date; for decision on any pretrial, nondispositive motions; and for reports and recommendations on any dispositive motions.

IT IS SO ORDERED.

Todd Campbell
TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE